

CHAPTER NO. 263

SENATE BILL NO. 1841

By McNally

Substituted for: House Bill No. 1891

By Head

AN ACT To amend Tennessee Code Annotated, Title 58, Chapter 2, relative to the emergency management system.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Tennessee Code Commission is directed to insert the following catchline in Tennessee Code Annotated, § 58-2-111, at the beginning of subdivision (b)(1): "Reimbursable emergency assistance."

SECTION 2. Tennessee Code Annotated, § 58-2-111, is amended by adding the following as subsection (c):

(c) Non-reimbursable emergency assistance.

(1) This subsection shall be known and may be cited as the "Local Government Emergency Assistance Act of 1987."

(2) As used in this subsection, unless the context indicates otherwise:

(A) "Emergency assistance" means fire fighting assistance, law enforcement assistance, public works assistance, emergency medical assistance, civil defense assistance, or other emergency assistance provided by local governments, or any combination or all of these, requested by a local government in an emergency situation in which the resources of the requesting local government are not adequate to handle the emergency;

(B) "Local government" means any incorporated city or town, metropolitan government, county, utility district, metropolitan airport authority, or other regional district or authority;

(C) "Requesting party" means a local government which requests emergency assistance; and

(D) "Responding party" means a local government, which responds to a request for emergency assistance.

(3) Any local government may upon request from a requesting party send its personnel and equipment outside its boundaries and into the jurisdiction of the requesting party to render emergency assistance to the requesting party.

(4)(A) This subsection shall not be construed as creating a duty on the part of any local government to respond to a request from another local government for emergency assistance.

(B)(i) The mayors of incorporated cities and towns, the mayors or county executives or other chief executive officers of metropolitan governments, the county executives or mayors or other chief executive officers of counties, and the chief executive officers of other local governments may, unless prohibited by the governing body of the local government, request or authorize a response to a request for emergency assistance under this subsection.

(ii) The governing body of the local government may by appropriate action adopt a policy prohibiting requests or responses to requests for emergency assistance under this subsection. Existing ordinances or other rules and regulations of the local government prohibiting emergency responses outside the jurisdictional boundaries of the local government shall be sufficient for this purpose and shall continue in effect until changed by the local government's governing body.

(iii) The officers listed in subdivision (B)(i) may designate, with confirmation by the governing body, other officers and personnel of the local government who may request assistance or authorize a response under this subsection.

(iv) The governing body of the local government may adopt policies and procedures, or may authorize departments of the government to adopt policies and procedures, to guide the local government and its departments in requesting and responding to requests under this subsection. The governing body may require policies and procedures adopted by departments to be approved by the governing body before going into effect.

(v) These policies and procedures may include a requirement for compensation for emergency assistance rendered.

(5) When personnel are sent from one (1) local government to another local government pursuant to authority of this subsection the jurisdiction, authority, rights, privileges, and immunities which they have in the responding jurisdiction shall be extended to any geographic area necessary as a result of the request for emergency assistance.

(6)(A) The senior officer of the requesting party on the scene of the emergency shall be in command of the emergency as to strategy, tactics, and overall direction of the operations.

(B) All orders or directions regarding the operations of the responding party shall be relayed to the senior officer in command of the responding party.

(C)(i) The provisions of this subsection shall not be construed as creating a duty on the part of the responding party to stay at the scene of an emergency for any length of time.

(ii) The responding party may depart the scene of the emergency at any time at the discretion of the officer in command of the responding party at the scene of the emergency.

(7)(A) The requesting party shall not be liable for damages to the equipment or personnel of the responding party in responding to a request for emergency assistance.

(B) Neither the requesting party nor its employees shall be liable for any damages caused by the negligence of the personnel of the responding party while en route to or returning from the scene of the emergency.

(8) Neither the responding party nor its employees shall be liable for any property damage or bodily injury at the actual scene of any emergency due to actions which are performed in responding to a request for emergency assistance.

(9) The provisions of this subsection are supplemental and in addition to authority contained in any other general law, private act, or municipal charter. This subsection is declared to be remedial in nature and shall be liberally construed to effect its purposes.

(10)(A) As used in the subdivision:

(i) "Natural disaster" means a disaster which has caused widespread devastation in an area and includes an area which has been declared by the governor to be a disaster area.

(ii) "Private residential property" means the property of a person who qualifies for property tax relief under the provisions of § 67-5-702, 67-5-703 or 67-5-704.

(B) When a natural disaster occurs, a municipality or county shall have access to and may spend public funds to assist in cleaning up debris and fallen trees on private residential property if a request is made by the owner of the property for such assistance.

(C) The municipality or county shall by ordinance or resolution, as appropriate, adopt a plan for providing assistance for natural disaster relief to private residential property authorized by this subdivision.

SECTION 3. It is the intent of the general assembly in enacting Section 2 of this act to re-enact provisions of law enacted by Public Chapter No. 155 of the Public Acts of 1987, as amended by Public Chapter No. 499 of the Public Acts of 1988 and


Public Chapter No. 1053 of the Public Acts of 1998, and formerly codified as Tennessee Code Annotated, §§ 58-2-601 through 58-2-625. Any act of a local government taken in reliance on these provisions and done between the date of their repeal on July 1, 2000, by Public Chapter No. 946 of the Public Acts of 2000 and the effective date by this act are ratified and validated in all respects. References in existing policies of local governments to the enacting provisions or to the previous codification of the Local Government Emergency Assistance Act of 1987 shall be deemed references to Section 2 of this act and its codification.

SECTION 4. Tennessee Code Annotated, § 58-2-112, is amended by deleting the second sentence of the section.


SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 16, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 22nd day of May 2001


DON SUNDQUIST, GOVERNOR